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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EST. OF CRAIG BICKERSTAFF, ET AL.

Plaintiffs,

vs.

CITY OF CLEVELAND, ET AL.

Defendants.

CASE NO.: 1:03CV240

TRIAL TESTIMONY OF EXPERT
WITNESS FRANK H. SAUNDERS

FRCP RULE 26(a)(2)(b)

I, Frank H. Saunders declare as follows:

1. I have been designated as an expert witness in the above entitled case. The curriculum vitae that is attached hereto is correct and current, and I request that it be made a part of my report as though totally set forth herein.

2. Since 1981, I have testified in Federal, State and Municipal Courts on well over 400 occasions in California, Oregon, Arizona, New Mexico, Alaska, Pennsylvania, Washington, Nevada, Illinois, Delaware, North Carolina, Wyoming, Montana, Mississippi, Indiana, Iowa, Hawaii and New Plymouth, New Zealand as a court certified police procedural / training expert. Well over half of these trials have concerned the use of force as well as various other law enforcement protocol, training and procedures. This time

frame followed directly after my law enforcement activities with the Santa Monica Police Department, dating back to January 1965. For over two-thirds of my career, I was a P.O.S.T. certified FTO, or Field Training Officer, with the direct responsibility for the final phase training for my agency, of scores of new Police Academy graduates.

3. As a designated expert in the case entitled **EST. OF CRAIG BICKERSTAFF, ET AL. vs. CITY OF CLEVELAND, ET AL.**, I have been requested to render various opinions concerning the actions and in-actions of the officers that participated in the incident occurring on 01-26-02, at approximately 0700 hours, in the area of 10620 Lee Avenue., that terminated in the wrongful shooting death of **Craig Lamont Bickerstaff**, at the hands of **Cleveland Police** officers.

4. The opinions I have so far formed are based, in part, not only upon my law enforcement training and experience in excess of 35 years, with obvious emphasis drawn from my own personal on-duty use of deadly force incidents, but are also weighed against the evidentiary material (see attached listing) I have been provided with, and thus far reviewed.

5. Based on my review of the indicated material received to date, with full knowledge that this is an ongoing discovery process with additional evidentiary material yet to be produced (including sworn deposition testimony transcripts; officer personnel records and complaint history, etc.) and weighed against my previously outlined law enforcement training and experience dating back to 1965, it is my firm professional opinion that at the present time in my incident review, conflicting witness (recall) statements (officers vis-à-vis independent civilian observers), clearly indicate a strong possibility that the decedent, although possibly in possession of a handgun at some prior point during his admitted and candidly described violently dynamic physical *confrontation* with Officers **Raymond Chippus** and **Antonla Montijo** of the **Cleveland City Police Department**, several of those indicated uninvolved witnesses clearly describe that the gun had been *thrown away* by **Mr. Bickerstaff** as this struggle continued. Given that this

scenario was true at the time of the police deadly weapons' fire, it would also be my obvious opinion that such use of **deadly force** would be totally *unreasonable* from the viewpoint of *objectively reasonably* law enforcement officer, trained under P.O.S.T. (Peace Officers' Standards and Training) tenets, not only in Ohio but nationally as well. I would be of the further opinion that the follow-up investigations conducted by various law enforcement groups subsequent to the shooting itself, in varying degrees give all the appearances of being "tunneled" to totally and unquestioningly support the *justification* for the fatal discharge of Officer **Chipgus'** weapon, despite obvious unresolved questions to the contrary. These opinions will be outline below along with their factual basis.

6. That the decedent was contacted by the involved officers during a normal and routine type radio call response for service regarding a "suspicious" circumstances incident in the area of this eventual tragedy, seems to be clearly factual and agreed upon by all *involved parties* and (to certain degrees) witnesses alike. The almost immediate *escalation* to a high level of physical violence also appears without question. Undeniably observed and physical evidence also are indicative of the degree of such dynamics, remain of little conjecture. That **Craig Bickerstaff** made some form on concerted effort to avoid contact with the police also seems as an agreed upon fact, although the actual *reasons* for his reluctance, is an area of debate. The various levels of police **force** are indicated as totally "proper and acceptable", based upon all official documented recall. However, such actions can have quite obviously been at least the *partial cause* of such *escalation* that continually spiraled upward from the initial moment of contact, "suspect" to officers. The observed activities of these two officers and the later recorded aftermath of injuries to the decedent (other than the gunshot wounds) speaks to a level of sheer physical "controlling" **force** being used by both involved **Cleveland PD** officers, that in many such circumstances, have led to **excessive force** after-incident complaints, had this outcome proved different in final conclusion. (i.e.: **Raymond Chipgus'** Investigation statement; page 1; paragraph 4; "...I then observed my partner [Officer **Montijo**] swinging

her [ASP] **baton** at the male and ordering him to get down...[and] I was struck with the ASP [myself] on my right elbow...", and, paragraph 5: "...I yelled at my partner to pepper [OC] **spray** him, which she did...", and, Autopsy Protocol; Coroner's "Verdict": "...marks...on [the decedent's] body...multiple *contusions* [on] posterior trunk, right chest and left forehead...abrasions to left upper extremity and left knee...")

7. It would appear from my review to date, that the decedent did at some point possess the Bernardelli, 22-caliber, semi-automatic pistol, prior to, and during the initial stages of the physical altercation, as he attempted (unsuccessfully) to *flee* from the on-scene officers' desired contact. Again, however, from both the officers' recall and several (independent) witnesses' remembrance, **Mr. Bickerstaff** undeniably tried to throw his weapon away during the ongoing struggle (although it is then claimed by the officers that this "suspect" tried to [*illogically*] then retrieve this just discarded firearm). As stated above, if such a "self-disarming" incident did occur, one would be hard-pressed to find any *legitimate* police practices expert who would find the killing **death** of unarmed **Craig Bickerstaff** in any manner *objectively reasonable* or an acceptable use of police **deadly force** that early January morning in 2002. Clearly, **Cleveland PD's** criteria for the accepted use of such fatal **force** is not at all different from the myriad of other such law enforcement policies I have had the opportunity to observe during the past twenty odd years in this particular field. Namely, that for such **deadly force** usage to be acceptable and correct, an officer must be faced with the threat of **deadly force** or great *bodily harm* **force**, being imminently directed toward him / her self, or toward another by such an *armed* subject. Sans these circumstances, in almost each and every conceivably indicated situation, it would blatantly be...a "*don't shoot*" scenario. (i.e.: Officer **Chilpgus'** investigation statement; page 1; paragraph 5: "...he [**Bickerstaff**] threw *something* in the direction of the yellow house. I remember hearing the *object* hit the ground...", and, Witness Lionel Williams' investigation statement; page 1; paragraph 6: "...they were still struggling with Craig, but by this time they were up on the grass...[and] Craig called out

my name and he had his gun in his hand and threw it towards me, but it fell and hit the bushes..."

8. Finally, in an earlier than desired concluding point to this report, made necessary by the impending date needed for such discovery production, and again with full understanding that this ongoing discovery process may quite well provide material that *could* add to or modify my already stated opinions, I can only once more briefly address the "creative report writing" that is evident in this case, as it can quite often be found in other such post-incident reviews of suspected, questionable police activities, particularly with relationship to shooting circumstances. That the specter of "PCP" is raised, based on the testing of the decedent's blood and urine, certainly could well have a definite effect on the involved officers' inability to control the vastly larger **Craig Bickerstaff**, and is obviously a consideration as to his supposed imperviousness to pain control or other normal police controlling force techniques...but clearly without the semi-automatic pistol in his hand at-the-time of Officer **Chippus**' weapon's multiple-shot discharge into **Mr. Bickerstaff's** back, as he laid face down on the ground, categorically no deadly force usage should have occurred, based on all other circumstances that apparently existed that early morning. (despite all departmental opinions to the contrary) in the face of many unanswered questions concerned herein, not the least of which is the preserved and recorded physical evidence, in and of itself. (i.e.: Internal Affairs Report of Sergeant Daniel Hayes; page 6; "Synopsis" paragraph: "...**Chippus** upon being *alerted* by **Montijo** that **Bickerstaff** had a gun and upon "*seeing*" the gun in [his] hand, had no choice but to use deadly force against **Bickerstaff**...[since his] actions *prior* to being shot showed the officers that he had no intent to comply with their commands...", and, "Conclusion" paragraph: "...[this] review show[s] that Officers **Chippus** and **Montijo** were acting within the guidelines of the **Cleveland Division of Police Use of Force** policy ...[and] they did not violate any Rules and Regulations of the **Cleveland Division of Police**, the statutes of the state of Ohio or the Ordinances of the **City of Cleveland**...", and, the recorded

placement of several 'found' evidentiary items on the scene diagram sketch [Bate Stamp # 000307], including such things as: the Bernardelli 22-caliber pistol [# 9]; the cellular phone [#7]; the several areas of blood [#s 10 & 11] and the locations of the numerous 9mm shell casings [#s 3, 4, 5 and 8], undeniably ejected to those locations, during the firing of Officer **Chippus**' sidearm into the [proned-out] decedent's back.)

As mentioned earlier, my resume, fee schedule and listing of all cases in which I have given either trial or deposition testimony during the past four years are attached to this report. To date, I have published only a single article (in the Expert Witness Update section of the St. Louis Daily Record) on 10-26-01. Presently, I have no specific plans to use any exhibits during my trial testimony, although since my review of this case is ongoing, based on additional material I understand is due through discovery, I would ask to reserve the right to both add to my above listed opinions, and if it became necessary, to use any relative materials either supplied to me or from my library files, that would become pertinent to illustrate or aid in such testimony.

I hereby declare under penalty of perjury under the laws of the State of California that the matters stated herein are true and correct and are based upon my personal knowledge and review at this time, and if were required and called upon as a witness, I could testify competently thereto. Executed in the City of Santa Cruz, State of California on this 3rd day of November, 2003.

A handwritten signature in black ink, reading "Frank H. Saunders", written over a horizontal line.

Frank H. Saunders

**BICKERSTAFF vs. CITY OF CLEVELAND
OUR CASE # 23-042
FEDERAL / CLEVELAND
CASE NO.: 1:03CV240**

**OCCURRED - 01-26-02; 0700HRS; 10620 LEE AVENUE
CONTACTED - 10-17-03**

MATERIALS REVIEWED

- United States District Court of Northern District of Ohio Eastern Division:
 1. Defendant City of Cleveland's Responses to Plaintiff's First Set of Interrogatories
 2. Defendant City of Cleveland's Responses to Plaintiff's First Request for Production of Documents
 - General Police Order Cleveland Division of Police - Use of Deadly Force (03-06-00)
 - CPD - Record Management System - Incident Report - Cleveland Police Department
 - Cleveland Division of Police - Use of Non-Deadly Force Report
 - Cleveland Police Academy - Field Testing Versino - Aerosol Restraint Spray - Training Manual
 - Basic Certification Manual
 - Basic O.C - Certification Training Course
 - Federal Bureau of Investigation - Investigation by SA Leonard J. Michaud:
 1. Teresa Gates (02-25-02)
 2. Jacinta Hailton (02-26-02)
 3. Lionel D. Williams (02-26-02)
 4. Alvin Fomby (03-01-02)
-

5. Brenda Bickerstaff (02-22-02)

- Cuyahoga County Coroner's Office - Trace Evidence Department
 - Autopsy Protocol
 - Coroner's Verdict
 - 55 Photo Copied Pictures (Poor Quality)
 - Antonia Montijo:
 1. Diver's License
 2. Social Security
 3. Certificate of Birth
 4. Marriage License
 5. Basic Training Program Certificate (10-04-01)
 6. Biographical Sketch
 7. High School Diploma
 - Physician's Report for Minimum Medical Testing and Diagnostic Procedures - Ohio Police & Firemen's Disability & Pension Fund
 - Employee Residency Affidavit - City of Cleveland (05-14-01)
 - Personal History Statement - Cleveland Police
 - City of Cleveland Memo - Division of Police (04-09-02)
 - City of Cleveland Civil Service Commission - Employee Progress Report (04-29-02)
 - Probationary Officer Evaluation Report - Antonia Montijo (06-28-02, 11-04-01, 12-04-01, 01-03-02, 02-02-02, 03-04-02, 05-28-02)
 - Raymond Chipgus:
 1. Certificate of Live Birth - Ohio Department of Health
 2. Secondary Certificate of Completion (04-07-86)
 3. Copy of Record (02-07-92)
 4. Course Completion Certificate
-

- 5. Performance Rating Checklist
- 6. Other Course Certificates

- State of Ohio - Bureau of Workers' Compensation - Certificate of Premium Payment
- Witness Statements:
 - 1. Lionel Williams (01-26-02)
 - 2. Shauntea Nedd (01-26-02)
 - 3. Teresa M. Gates (01-26-02)
 - 4. Bennie Rogers (01-26-02)
- Officer Statements:
 - 1. Raymond Chipgus (01-26-02)
 - 2. Antonia Montijo (01-26-02)
- SIU Reports:
 - 1. Supplementary Report (01-26-02)
 - 2. Cuyahoga County Coroners Office - Trace Evidence Department - Evidence Submitted
 - 3. Forensic Lab Report
 - 4. Internal Affairs Unit - Invest Tracking Sheet (01-26-02)
- Internal Affairs Reports - Investigation Report (08-19-02 & 01-28-02)
- Prosecutor's Ruling - Supplementary Report
- Chief's Items of Interest (01-27-02)
- Homicide Unit - Synopsis Report
- Department of Corrections and BMV Photo's
- Department of Treasury - Bureau of Alcohol, Tobacco and Firearms - National Tracing Center (01-28-02)
- Coroner's Photo's
- Form-1 Reports: Cleveland PD

1. Departmental Information
 2. Supplementary Report
 3. Field Report
 4. Unauthorized Use / Stolen Vehicle Statement
 5. Request for Hospital Records
- University Hospitals of Cleveland - Adult Emergency Department Outpatient
 - Adult Emergency and Rapid Care (01-26-02)
 - Cuyahoga County EMS Run Report Form
 - Huron Hospital:
 1. Inventory of Clothing and Valuables (01-26-02)
 2. Inventory of Clothing and Valualbes (01-26-02)
 - Meridia Huron Hospital - Certification
 - Toxicology Lab Report
 - Vehicle / Tow Supplement
 - Vehicle Processing Request
 - Cleveland PD - Offense / Incident Report (01-26-02)
 - 39 Photocopied Pictures of the body (Poor Quality)
 - Diagram
 - CPD Record Management System - Incident Report
 - Criminal History
 - RMS Reports: Cleveland PD:
 1. Jacket Activity
 2. Global Name Inquiry
 3. Super Name Search Display Screen

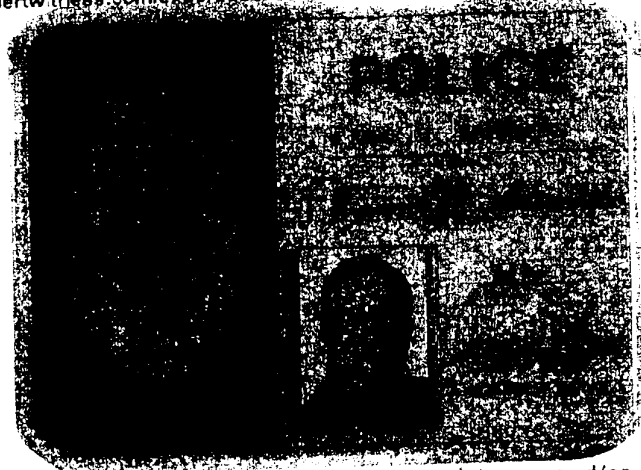
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CURRICULUM VITAE

Frank H. Saunders



PLEASE NOTE: The following information is provided only to assist you and/or your client(s) in arriving at a decision as to whether to retain my services as a consultant in pending litigation.

THERE IS NO AUTHORIZATION TO LIST ME AS AN EXPERT WITNESS BEFORE A SIGNED RETAINER AGREEMENT OR AN EXECUTED COURT ORDER IS RECEIVED & THE REQUIRED RETAINER FEE IS PAID, OR ALTERNATIVELY, GUARANTEED.

To date, have given sworn testimony in 25+ different States, qualifying as a law enforcement expert in open court far in excess of 350 times in such varying areas as: Police Procedures; Training; Deadly and Non-Lethal Force; Officer Safety; Pursuits & Security. Trial appearances have been in Federal, State and Municipal Courts in Delaware, California, North Carolina, Montana, Mississippi, Oregon, Nevada, Washington, Iowa, Wyoming, Indiana, Hawaii, Illinois, New Mexico, Alaska, Arizona and New Zealand over the past 22 years. Retained by both plaintiffs and such agencies/officers/defendants as: Oregon State Police; Spokane, WA; LA Sheriffs; Klamath Falls, OR; County of Maui, HI; San Diego; L.A.P.D. (twice); San Francisco, (twice); Oakland (3 times); Sacramento Co., CA; Torrance, CA; El Cajon, CA; Santa Cruz, CA (twice); Tustin, CA; Long Beach, CA (twice); E. Bay Regional Park Dist., CA (twice); Sanger, CA (twice); Los Gatos, CA; Sunnyvale, CA; San Jose, CA (twice); Santa Clara Co., CA; Santa Maria, CA; Santa Ana, CA; Fullerton, CA; Kern Co., CA; Westminster, CA; Richmond, CA; Delaware State Police (4 times); Livermore, CA; Compton, CA; Modesto, CA; Glenn Co., CA; New Castle County, Delaware P.D. (twice); Wilmington, Delaware P.D. Hanford, CA; Hazel Park, Michigan; Filmore, CA; Asa Co. Idaho; Siskiyou Co., CA; Albuquerque, NM; Las Vegas, NV and the INS.

Appearances- National/International TV, include: "60 Minutes" (New Zealand Television)-2001, "Fox Channel News"-1999; "CNN-Sonja Live"-1992; "Maury Povich"-1991. Have guest lectured at: Univ of California, Berkeley (Urban Policing); University of So. California (Police Misconduct Experts' Seminar); So. Bay Trial Lawyers luncheon (in L.A.); (2) National Lawyers Guild seminars (Police Misconduct Litigation) Golden Gate University Law School (San Francisco 1988); Hastings Law School (San Francisco 1991). Assisted the Delaware State Police in updating their statewide Use of Force policies and procedures during mid-90's.

CURRICULUM VITAE - Frank H. Saunders (continued)

Retired after fifteen years with the Santa Monica Police Department (located just west of Los Angeles). While on the force, worked for over ten years as a field training officer (FTO) with the responsibility of evaluating and first-line training of new recruits after their graduation from the police academy. Also experienced in the investigative bureau in: homicide, burglary and background checks of potential new officer candidates. Issued full official police identification, C.C.W. permit and badge upon retirement in 1980. Trained initially at the Los Angeles Police Academy for a full three-month period. Additional Law Enforcement training with: F.B.I.; L.A. County Sheriffs; Santa Monica Community College; and Rio Hondo College in Los Angeles, with present / field, case-related education, still continuing, through on-going consulting work.

Between March 1967 and January 1979, involved in ~~three~~ separate face-to-face shootings with suspects, all armed with handguns. Although wounded (August 1978) during a gunfight with a robbery suspect, minutes later assisted with his capture. While on active duty with Santa Monica P.D., received in excess of 30 commendations for bravery, courtesy, and various other actions beyond the expected daily police activities. These awards came from such sources as: a CA State Senator; two Police Chiefs; the Santa Monica City Council (twice); and numerous local citizens and businesspersons. Only once during police career was ever the subject of a citizen-initiated personnel complaint, with a detailed investigation revealing no injuries suffered, and the final classification being completely exonerated.

Some fifteen months before retirement, was awarded the City of Santa Monica's highest award, the Medal of Valor. When this honor was received in November 1978, was one of only six such recipients since the award's inception by the city. Have been published as an Expert Police Court Witness in: "Who's Who in American Law Enforcement" (since 1986); "Who's Who in California" (since 1985); "Who's Who in the West" (1989-1992); "Who's Who in the World" (1992); and the "International Directory of Distinguished Leadership" (1988). Current member of "The National Association of Chiefs of Police" (1985-); and also shown on such varied listings of court experts as: The National Forensic Center (Lawrenceville, N.J.); the Northern California Defense Counsel's Experts Bank; the Illinois and Iowa State Bar Association's Experts Bank; National Consultant Referrals (San Diego, CA); LEXUS; WESTLAW; and Americans For Effective Law Enforcement (Chicago, IL), the AELE being a national organization made up exclusively of Police Procedural Experts.

While with Santa Monica P.D., created and edited the Police Association's community-wide news magazine, Soundoff, from 1970 to 1979. Currently working on a major non-fiction law enforcement book as well as several other field-related publishing efforts, one of which articles was published in Oct. of 2001 in the St. Louis Daily Record. Principal higher education at the University of Arizona (Tucson, AZ), majoring at that time in Journalism (1954-56; 58-59).

Since 1981, have operated a duly state-licensed private investigation firm in Northern California. Maintain active contacts with various police agencies and personnel nationwide, as well as constantly updating library files relating to training procedures and law enforcement legal case information, from P.O.S.T. (Sacramento, CA), and other equivalent state police training groups across the United States. Also possess thorough hands-on experience in all types of security procedures, regulations and standards in store, industrial, event control, as well as various public safety areas, initially acquired during off-duty employment (1965-80).

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TRIAL TESTIMONIES FROM 01/01/99 - 12/31/02

1. *January 1999* - Judicial District Court, State of Montana, County of Lake, in Polson Montana: **STATE OF MONTANA vs. ALAN FUQUA**, et al., as a police procedural, training and deadly force expert - Atty.: Larry Nistler.
2. *February 1999* - Superior Court, State of California, County of Orange, Santa Ana District: **TETER vs. CITY OF NEWPORT BEACH**, et al., as a police procedural and training expert - Atty.: Michael Cully.
3. *March 1999* - U.S. Federal District Court, Southern District of Mississippi, in Jackson: **BECK vs. CITY OF JACKSON**, et al., as a police procedural and training expert - Atty.: Charles Mullins.
4. *March 1999* - Superior Court, State of California, County of Santa Clara, in San Jose: **PEOPLE OF CALIFORNIA vs. RICKY MCCORD**, as a police procedural and training expert - Atty.: Jeremy Blank.
5. *March 1999* - U.S. District Federal Court, Central District of California, in Los Angeles: **HAYWARD vs. CITY OF RIVERSIDE**, et al., as a police procedural and training expert - Atty.: John Burton and Richard Seff.
6. *April 1999* - Superior Court, State of California, County of Los Angeles, Pomona District: **MARTINEZ vs. CITY OF AZUSA**, et al., as a police procedural, training and deadly force expert - Atty.: Joseph Shalant.
7. *April 1999* - Superior Court, State of California, County of San Bernardino, Rancho Cucamonga District: **CONKLIN vs. COUNTY OF SAN BERNARDINO**, et al., as a police procedural and training expert - Atty.: Gene Osko.
8. *May 1999* - Superior Court, State of California, County of Contra Cost, Martinez District: **BAL vs. COUNTY OF CONTRA COSTA**, et al, as a police procedural, training and deadly force expert - Atty.: Draper Gregory.
9. *May 1999* - U.S. District Federal Court, Central District of California, in Los Angeles: **HAYWARD vs. CITY OF RIVERSIDE**, et al., as a police procedural, and training expert - Atty.: John Burton and Richard Seff.
10. *June 1999* - Superior Court, State of California, County of San Diego, San Diego District: **BARDEN vs. CITY OF SAN DIEGO**, et al., as a police procedural and training expert - Atty.: Alan Geraci and Giles Townsend.
11. *September 1999* - U.S. District Federal Court, District of Hawaii, in Honolulu: **UDO vs. CITY / COUNTY OF HONOLULU**, et al., as police procedural and training expert - Atty.: Arnold Phillips.

12. *October 1999* - U.S. District Federal Court, Eastern District of California, in Fresno:
NAVARRO vs. CITY OF FRESNO, et al., as a police procedural, training and deadly force expert - Atty.: Kevin Little.
13. *December 1999* - Superior Court State of California, County of Santa Clara, San Jose District: **PEDRAZA vs. CITY OF SAN JOSE**, et al., as a police procedural, training and deadly force expert - Atty.: Amiel Wade.
14. *January 2000* - Circuit Court, State of Oregon, County of Multnomah, Portland District: **HOGE vs. CITY OF PORTLAND**, et al., as a police procedural, training and deadly force expert - Atty.: Jan Kitchel.
15. *February 2000* - Superior Court, State of California, County of Fresno District: **VANG vs. CITY OF FRESNO**, et al., as a police procedural, training and deadly force expert - Atty.: Steve Gorey.
16. *February 2000* - U.S. District Federal Court, Central District of California, in Los Angeles: **USA vs. ROBERT WILLIAMS**, as a police procedural, training expert - Atty.: Kiya Kato.
17. *April 2000* - Superior Court, State of California, County of San Diego, San Diego District: **ROBERTS vs. CITY OF SAN DIEGO**, et al., as a police procedural and training expert - Attys.: Thomas Ault and Michael Jordan.
18. *May 2000* - Superior Court, State of Washington, County of Spokane, Spokane District: **CHIAPPETTA vs. CITY OF SPOKANE**, et al., as a police procedural and training expert - Michael Riccelli.
19. *July 2000* - Superior Court, State of California, County of Riverside, Riverside District: **KIM vs. CITY OF CORONA**, et al., as a police procedural and training expert - Atty.: Vana Margoese.
20. *September 2000* - Superior Court, State of California, County of Los Angeles, Central District: **CRAIG vs. CITY OF LOS ANGELES**, et al., as a police procedural and training expert - Atty.: Peter DiDonato.
21. *September 2000* - U.S. District Federal Court, Eastern District of California, in Fresno: **FOWLER vs. CITY OF FRESNO**, et al., as a police procedural, training and deadly force expert - Atty.: Jorge Gonzales.
22. *December 2000* - U.S. District Federal Court, Eastern District of California, in Fresno: **HURD vs. COUNTY OF FRESNO**, et al., as a police procedural and training expert - Atty.: Kevin Little.
23. *March 2001* - U.S. District Federal Court, Eastern District of California in Fresno: **MITCHELL vs. COUNTY OF FRESNO**, et al., as police procedural and training expert - Atty.: Kevin Little.
24. *August 2001* - U.S. District Federal Court, Central District of California, in Los Angeles: **GARCIA / BUTLER vs. CITY OF LOS ANGELES**, et al., as police procedural and training expert - Atty.: Robert Caieti.

25. *September 2001* - U.S. Federal District Court, Northern District of California, in San Francisco: **SMART vs. CITY OF COUNTY OF SAN FRANCISCO**, et al., as police procedural training and deadly force expert - Atty.: Alan Rodler.
 26. *February 2002* - New Zealand District Court, in New Plymouth, New Zealand: **WALLACE vs. ABBOTT**, as a police procedural, training and deadly force expert - Atty.: John Rowan.
 27. *April 2002* - U.S. District Federal Court, Eastern District of California, in Fresno: **WILLIAMS vs. COUNTY OF FRESNO**, et al., as police procedural and training expert - Atty.: Kevin Little.
 28. *June 2002* - Superior Court, State of Arizona, County of Pima, Tucson District: **ELMER / WILLIAMS vs. COUNTY OF PIMA**, et al., as police procedural and training expert - Atty.: Leighton Rockafellow.
 29. *June 2002* - U.S. District Federal Court, Eastern District of California, in Fresno: **ANDRES vs. COUNTY OF STANISLAUS**, et al., as police procedural and training expert - Atty.: Kirk McAllister & Roger Vehrs.
 30. *September 2002* - U.S. District Federal Court, Central District of California, in Los Angeles: **BURD vs. CITY OF HERMOSA BEACH**, et al., as police procedural and training expert - Atty.: David Yamamoto.
 31. *September 2002* - U.S. District Federal Court, Central District of California, in Los Angeles: **LANIER vs. CITY OF LOS ANGELES**, et al., as police procedural and training expert - Atty.: Joseph Fogel.
 32. *October 2002* - US District Federal Court, Central District of California, in Los Angeles: **HERNANDEZ vs. CITY OF POMONA**, et al., as police procedural training and deadly force expert - Atty.: Danilo Becerra.
 33. *November 2002* - US District Federal Court, District of New Mexico, in Santa Fe: **ARCHULETA vs. DENNISON**, et al., as police procedural, and training expert - Atty.: Stephanie Griffin.
 34. *November 2002* - Superior Court, State of Alaska, Naknek District: **STATE OF ALASKA vs. BERTINIOUS FOSS**, as police procedural, training and deadly force expert - Atty.: Steven Wells.
 35. *December 2002* - Superior Court, State of California, County of Santa Cruz, Santa Cruz District: **PEOPLE OF CALIFORNIA vs. OSVALDO PINTO**, as police procedural, training and deadly force expert - Atty.: William Minkner.
 36. *December 2002* - Superior Court, State of California, County of Santa Clara, San Jose District: **PEOPLE OF CALIFORNIA vs. LUCIO SILVA**, as police procedural and training expert - Atty.: Beth Chance
-

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DEPOSITION TESTIMONIES FROM 01/01/99 - 12/31/02

1. *January 1999* - Superior Court, State of California, County of San Diego, San Diego District: **ROBERTS vs. CITY OF SAN DIEGO**, et al., as a police procedural and training expert - Atty.: Thomas Ault.
2. *February 1999* - U.S. District Federal Court, Eastern District of California, in Sacramento: **PERRIN vs. COUNTY OF SACRAMENTO**, et al., as a police procedural and training expert - Atty.: Ralph Leardo.
3. *February 1999* - Superior Court, State of California, County of Los Angeles, Central District: **MURADYAN vs. CITY OF GLENDALE**, et al., as a police procedural and training expert - Atty.: John Torjesen.
4. *March 1999* - Superior Court, State of California, County of San Bernardino, Rancho Cucamonga District: **CONKLIN vs. COUNTY OF SAN BERNARDINO**, et al., as a police procedural and training expert - Atty.: Gene Osko.
5. *April 1999* - Judicial District Court, State of New Mexico, County of McKinley, in Gallup, New Mexico: **RASCON vs. COUNTY OF MCKINLEY**, et al., as a police procedural and training expert - Atty.: Lisa Richard.
6. *April 1999* - Superior Court, State of California, County of Nevada, Grass Valley District: **FORD vs. COUNTY OF NEVADA**, et al., as a police procedural and training expert - Atty.: Jean Starceovich.
7. *May 1999* - U.S. District Federal Court, Central District of California, in Los Angeles: **A. DAVIS vs. CITY OF PASADENA**, et al., as a police procedural and training expert - Atty.: Frank McNally.
8. *May 1999* - Superior Court, State of California, County of Alameda, Oakland District: **DOWNING vs. COUNTY OF ALAMEDA**, et al., as police procedural and training expert - Atty.: George Holland.
9. *June 1999* - U.S. District Court, Northern District of California, in San Francisco: **DIXON vs. CITY OF OAKLAND**, et al., as a police procedural and training expert - Atty.: Earl Johnson.
10. *July 1999* - Superior Court, State of California, County of Fresno, Fresno District: **VANG vs. CITY OF FRESNO**, et al., as police procedural, training and deadly force expert - Atty.: Stephen Gorey.
11. *September 1999* - Circuit Court, State of Hawaii, County of Hawaii, Hilo District: **FERGERSTROM vs. COUNTY OF HAWAII**, et al., as a police procedural, and training expert - Atty.: Stan Roehrig and Andy Wilson.

12. *September 1999* - U.S. District Court, Eastern District of California, in Fresno:
PETERS vs. CITY OF WATERFORD, et al., as a police procedural, and training expert - Attys.: Randy Strauss and Mina Ramirez.
 13. *October 1999* - Superior Court, State of California, County of Santa Clara, San Jose District: **PEDRAZA vs. CITY OF SAN JOSE**, et al., as a police procedural, training and deadly force expert - Atty.: Amiel Wade.
 14. *December 1999* - U.S. District, Eastern District of California, in Fresno:
FOWLER vs. CITY OF FRESNO, et al., as a police procedural, training and deadly fore expert - Atty.: Moses Onyejekewe.
 15. *December 1999* - Superior Court, State of California, County of Santa Clara, San Jose District: **SHAMSOLLAHI vs. CITY OF SANTA CLARA**, et al., as a police procedural, training and deadly force expert - Atty.: Donald Barnett.
 16. *March 2000* - U.S. District Federal Court, Eastern District of California, in Sacramento:
SWANGIN vs. STATE OF CALIFORNIA, et al., as a police procedural, training and deadly force expert - Atty.: Larry Cook.
 17. *May 2000* - U.S. District Federal Court, New Mexico District, in Las Cruces:
MOLINA vs. TOWN OF SILVER CITY, et al., as a police procedural and training expert - Atty.: Norman Cairns.
 18. *May 2000* - U.S. District Federal Court, Eastern District of California, in Fresno:
CRUZ vs. CITY OF FRESNO, et al, as a police procedural and training expert - Atty.: Michael Kanz & Jesse Negrette.
 19. *June 2000* - Superior Court, State of California, County of Contra Costa, Martinez District: **LERCH vs. BURNS SECURITY**, et al., as a police procedural, training and security expert - Atty.: Gerald Schwartzbach.
 20. *June 2000* - Superior Court, State of California, County of San Bernardino, San Bernardino District: **OJEDA vs. COUNTY OF SAN BERNARDINO**, et al., as a police procedural and training expert - Atty.: Neil Newson.
 21. *July 2000* - Superior Court, State of California, County of Riverside, Riverside District: **KIM vs. CITY OF CORONA**, et al., as a police procedural and training expert - Atty.: Vana Margoese.
 22. *August 2000* - U.S. District Federal Court, Central District of California, in Santa Ana:
BILLINGS vs. CITY OF NEWPORT BEACH, as a police procedural and training expert - Atty.: Joel Baruch.
 23. *September 2000* - Superior Court, State of California, County of San Diego, San Diego District: **JODAR vs. CITY OF SAN FRANCISCO**, et al., as a police procedural and training expert - Atty.: Matthew Miller.
 24. *September 2000* - U.S. District Federal Court, Northern District of California, in San Francisco: **PATRICK vs. CITY / COUNTY OF SAN FRANCISCO**, et al., as a police procedural and training expert - Atty.: Charles Bourdon.
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25. *November 2000* - U.S. District Federal Court, Eastern District of California, in Fresno: **HURD vs. COUNTY OF FRESNO**, et al., as a police procedural and training expert - Atty.: Kevin Little.
 26. *November 2000* - Superior Court, State of Arizona, Pima County, Tuscon District: **ELMER / WILLIAMS vs. COUNTY OF PIMA**, et al., as a police procedural and training expert - Atty.: Leighton Rockafellow.
 27. *December 2000* - Superior Court, State of California, County of San Francisco, San Francisco District: **FURMINGER vs. ESTATE OF JOHN SMART**, et al., as a police procedural, training and deadly force expert - Atty.: Dennis Moriarty.
 28. *January 2001* - U.S. District Federal Court, Eastern District of California in Fresno: **RODRIGUEZ vs. CITY OF VISALIA**, et al., as police procedural, training and deadly force expert - Atty.: Tim McGill.
 29. *January 2001* - U.S. District Federal Court, Northern District of California, in San Jose: **BISHOP vs. CITY OF SAN JOSE**, et al., as police procedural and training expert - Atty.: Bryan Miller.
 30. *January 2001* - U.S. District Federal Court, Northern District of California, in San Francisco: **NICKERSON vs. CITY OF SAN CARLOS**, et al., as police procedural and training expert - Atty.: Bryan Miller.
 31. *January 2001* - Superior Court, State of California, County of Santa Clara, San Jose District: **HANSEN vs. CITY OF SAN JOSE**, et al., as police procedural and training expert - Atty.: Stephen Picone.
 32. *February 2001* - U.S. District Federal Court, District of Nevada in Las Vegas: **FOX / FRANKS vs. CITY OF LAS VEGAS**, et al., as police procedural and training expert - Atty.: Christopher Phipps.
 33. *February 2001* - Superior Court, State of California, County of Los Angeles, Pasadena District: **BISHARA vs. COUNTY OF LOS ANGELES**, et al., as police procedural and training expert - Atty.: Anton Plese.
 34. *June 2001* - Superior Court, State of California, County of Los Angeles, Norwalk District: **LAZO vs. SANTA FE RAILROAD**, et al., as police procedural, training and security expert - Atty.: James Blancarte.
 35. *June 2001* - Superior Court, State of California, County of Los Angeles, Norwalk District: **RAMIREZ vs. CITY OF SOUTH GATE**, et al., as police procedural and training expert - Atty.: John O'Brien.
 36. *June 2001* - U.S. District Federal Court, Southern District of Iowa, in Des Moines: **MOZEE vs. CITY OF DES MOINES**, et al., as police procedural, training and deadly force expert - Atty.: Ivy Ross Revello.
 37. *July 2001* - U.S. District Court, Central District of California, in Los Angeles: **GARCIA / BUTLER vs. CITY OF LOS ANGELES**, et al., as police procedural and training expert - Atty.: Douglas F. Walters.
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38. *July 2001* - U.S. District Federal Court, Central District of California in Los Angeles: **COX vs. CITY OF MORO BAY**, et al., as police procedural and training expert - Atty.: David Fisher.
39. *August 2001* - U.S. District Federal Court, Northern District of California in San Francisco: **SMART vs. CITY OF SAN FRANCISCO**, et al., as police procedural, training and deadly force expert - Atty.: Alan Rodier.
40. *November 2001* - Superior Court, State of California, County of Sacramento, Sacramento District: **ASHBY vs. STATE OF CALIFORNIA**, et al., as police procedural and training expert - Atty.: Paul Bjorklund.
41. *November 2001* - U.S. District Federal Court, Eastern District of California in Fresno: **JONES vs. CITY OF LOS BANOS**, et al., as police procedural and training expert - Atty.: Kevin Little.
42. *January 2002* - U.S. District Federal Court, District of Delaware, in Wilmington, Delaware: **WHITEHEAD vs. HARRIS**, et al., as police procedural and training expert - Atty.: Megan K. D'Lorio.
43. *January 2002* - Superior Court, State of Arizona, County of Pima, Tucson District: **JOHNSON vs. TUCSON**, et al., as police procedural and training expert - Atty.: Stanton Bloom.
44. *January 2002* - U. S. Federal Court, Eastern District of California, in Sacramento: **KOLLER vs. BURLINGTON NORTHERN SANTA FE RAILWAY CO.**, et al., as police procedural and training expert - Atty.: Keith Ekstrom.
45. *January 2002* - Superior Court, State of California, County of San Diego, San Diego District: **GOING vs. COUNTY OF SAN DIEGO**, et al., as police procedural and training expert - Atty.: Steven Saylor.
46. *February 2002* - Superior Court, State of Arizona, County of Pima, Tucson District: **ELMER / WILLIAMS vs. COUNTY OF PIMA**, et al., as police procedural and training expert - Atty.: Leighton Rockafellow.
47. *May 2002* - Superior Court, State of California, County of Los Angeles, Long Beach District: **WATT vs. CITY OF COMPTON**, et al., as police procedural and training expert - Atty.: Kimberly Valentine - Sibert.
48. *June 2002* - Superior Court, State of California, County of Los Angeles, Long Beach District: **WATT vs. CITY OF COMPTON**, et al., as police procedural and training expert - Atty.: Kimberly Valentine - Sibert.
49. *July 2002* - U. S. District Federal Court, Central District of California, Los Angeles District: **HERNANDEZ vs. CITY OF POMONA**, et al., as police procedural, training, and deadly force expert - Atty.: Danilo Becerra.
50. *July 2002* - US District Federal Court, Central District of California, in Los Angeles: **BURD vs. CITY OF HERMOSA BEACH**, et al. as police procedural and training expert - Atty.: David Yamamoto.

51. *August 2002* - US District Federal Court, District of Arizona, in Phoenix:
GARCIA-VALLE vs. CITY OF YUMA, et al., as police procedural training and deadly force expert - Atty.: Danilo Becerra
52. *August 2002* - U.S. District Federal Court, Eastern District of California, in Fresno:
BEEBY vs. CITY OF MANTECA, et al., as police procedural, training and deadly force expert - Atty.: Kenneth Meleyco.
53. *August 2002* - US District Federal Court, Eastern District of Virginia, in Alexandria:
PARRISH vs. COMMONWEALTH OF VIRGINIA, et al., as police procedural and training expert - Atty.: Peter Grenier.
54. *August 2002* - Superior Court, State of California, County of Orange, Santa Ana District: **CURRY vs. MERCHANT**, et al., as police procedural, training and deadly force expert - Atty.: Maria Arechaederra.
55. *October 2002* - US District Federal Court, Central District of California, in Los Angeles: **FIGARO vs. CITY OF SAN LUIS OBISPO**, et al., as police procedural and training expert - Atty.: John Hughes.
56. *October 2002* - US District Federal Court, Eastern District of California, in Sacramento: **DOE vs. COUNTY OF SISKIYOU**, et al., as police procedural and training expert - Atty.: Philip Price.
57. *October 2002* - Circuit Court, State of Florida, County of Pasco, Dade City District: **STATE OF FLORIDA vs. KRISTINA GAIME**, et al., as a police procedural and training expert - Atty.: Robert Nutter.
58. *December 2002* - Superior Court, State of California, Santa Ana District: **GAINES vs. COUNTY OF ORANGE**, et al., as police procedural, training and deadly force expert - Atty.: Jeffrey Wilens.
59. *December 2002* - Superior Court, State of California, Alameda District: **MILT vs. OAKLAND HOUSING AUTHORITY**, et al., as police procedural and training expert - Atty.: Bruce Nelson.
60. *December 2002* - Superior Court, State of Washington, Spokane District: **LEFEBVRE vs. COUNTY OF SPOKANE**, et al., as police procedural, training and deadly force expert - Atty.: Thomas M. Smith.